



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,645	10/12/1999	CARL BINDING	RSW9-99-084	5106

7590 06/13/2005

Marcia L. Doubet Esq.  
Law Offices of Marcia L. Doubet  
P.O. Box 422859  
1455 Riviera Dr.  
Kissimmee, FL 34744

EXAMINER

CALLAHAN, PAUL E

ART UNIT PAPER NUMBER

2137

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/415,645

Applicant(s)

BINDING ET AL.

Examiner

Paul Callahan

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-41 and 65-69 is/are allowed.
- 6) ☒ Claim(s) 42-44, 47, 48, 50-52, 54, 55, 57-59, 61, 62, 64 and 70-79 is/are rejected.
- 7) ☒ Claim(s) 45, 46, 49, 53, 56, 60 and 63 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-69 were pending in this application at the time of the previous Office Action. New claims 70-79 have been added by the latest amendment. Therefore claims 1-79 are pending and have been examined.

### ***Response to Arguments***

2. Applicant's arguments filed 7-28-2003 have been fully considered but they are not persuasive.

The applicant argues that RFC 2660 may be distinguished from the teaching of claim 42 since it fails to teach a technique for “proposing a message encoding scheme while at the same time sending encrypted content using that encoding proposed (and server-application-selected) message encoding scheme on the second message of a 2-message exchange. “ Yet such is indeed taught by RFC 2660 at sec. 3.2.4.3 “SHTTP Algorithms” and additionally at sec. 2.6.1.2.2 on page 13 “Encryption-Prearranged Key” and at page 38 beginning at the passage: “An appropriate HTTP server response would be”.

The applicant argues that the instant invention as claimed in claims 42, 51, and 58 may be distinguished from RFC 2660 since the instant invention does not supply preferences. However RFC 2660 does teach prearranged keys and server-application selection of a protocol as discussed supra.

The applicant traverses the taking of Official Notice in the rejections of claims 47, 48, 50, 54, 57, 61, 62 and 64 that the inclusion of a document identifier in a page request to a server is old and well known in the art. As a showing of art the Applicants attention is now called to

Graham: "Web/HTML documentation and Developers Resource, sec. 3.4 META, 5 January 1998, where such a step is taught.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 42-44, 51, 52, 58, 59, and 70-74 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Rescorla et al. "The Secure Hypertext Transfer Protocol" Network Working Group, Request for Comments (RFC) 2660, August 1999.

Rescorla teaches a method for establishing a secure connection between a client application and a server application using pre-existing message types (HTTP: GET, POST), said method comprising the steps of "piggy-backing" a request for said server application to select a message encoding scheme onto a first message sent from said client application to said server application wherein said first message uses a first pre-existing message type to request content from said server (Sec. 1.4.2 "key exchange and encryption" Sec. 2.4.4, Sec 3.1, Sec 3.2.1), piggy backing a first portion of a security information onto a second message sent from said server application to said client application wherein said second message uses a second pre-existing message type and responds to said first message by

Art Unit: 2137

sending security-sensitive content, wherein said security sensitive content is encrypted using a server-application-selected message encoding scheme that is thereby proposed to said client application and said first portion enables said client application to decrypt said security-sensitive content (Sec 3.2.4.3: CCSHTTP Algorithms" Sec 5.2.6). Nonces as per claims 71 and 74 are taught at sec. 3.3.4 on page 25.

Claims 75-79 represent the computer program-product embodied in a memory medium that when executed causes an apparatus to carry out the method of claims 42, 51, 58, and 70 and are thereby rejected on the same basis as are those claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 47, 48, 50, 54, 55, 57, 61, 62, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rescorla as applied to claims above, and Official Notice taken as detailed below

As for claims 47, 54, and 61, Rescorla teaches security sensitive information sent in a second message encrypted in a session key generated by a server and contains a first portion

Art Unit: 2137

allowing recovery of the session key (sec. 1.3.1 page 5). However Rescorla does not specifically teach a request for security-sensitive information. Official Notice may be taken that the use of a request message for a secure page wherein request further comprises an identifier for information is a step that is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated this feature into the system of Rescorla. It would have been desirable to do so as this would allow GUI interface entry of security parameters in client-server authentication routines.

As for claims 48, 50, 55, 57, 62, and 64, Rescorla does not teach the features of claim 47 upon which claims 48 and 50 are dependent, or the features of claim 54 upon which claims 55 and 57 are dependent, or the features of claim 61 upon which claims 62 and 64 are dependent. However Rescorla does teach all of the features of claims 48, 50, 55, 57, 62 and 64, i.e., said request for said message encoding scheme further comprises an identifier of said client application (3.3.1), a nonce of said client application (Sec. 3.3.4), and optionally including a timestamp (3.3.3) and said first portion further comprises a set of information encrypted using a public key of the server application (Sec. 3.3.2).

***Allowable Subject Matter***

7. Claims 45, 46, 49, 53, 56, 60, and 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 1-41, and 65-69 are allowed.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

6-8-05

*Paul Callahan*

*Andrew Caldwell*  
ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER